

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

William Guy

Plaintiff, No. CIV S-03-1208 DFL CMK P

vs.

Cheryl Piler, et al.,

Defendants.

ORDER

Plaintiff is a prisoner proceeding pro se an in forma pauperis with a civil rights action under 42 U.S.C. §1983. This proceeding was referred to the undersigned by Local Rule 72-302 by the authority of 28 U.S.C. § 636(b)(1).

Plaintiff filed his complaint on June 5, 2003 along with a request to proceed in forma pauperis. On July 1, 2003 plaintiff's request to proceed in forma pauperis was granted and his complaint was dismissed with leave to amend within thirty days. Plaintiff's case was subsequently transferred to the undersigned. On October 26, 2005, the undersigned issued an order directing plaintiff to show cause why findings and recommendations should not issue recommending dismissal for failure to prosecute.

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1 Plaintiff responded to the order to show cause on November 7, 2005. In his
2 response, plaintiff states that the correctional officers at his institution of imprisonment have
3 destroyed a great deal of his personal property, including all his legal documents. Plaintiff
4 requests that the court send him a copy of his original complaint so that he may now file an
5 amended complaint. Plaintiff's response is devoid of any justification for his failure to file his
6 amended complaint or his failure to prosecute his claim for the past two years. However, the
7 court will discharge the order to show and will allow plaintiff an opportunity to amend his
8 complaint.

9 IT IS ORDERED THAT:

10 1. The October 26, 2005 order to show cause (doc. 8) is discharged;

11 2. The Clerk of the Court is directed to send plaintiff a copy of his complaint filed

12 June 5, 2003 (doc. 1) and the court's July 1, 2003 order dismissing the complaint (doc. 2); and

13 3. Plaintiff is directed to file an amended complaint within thirty days of the date

14 that this order is filed. Failure to file an amended complaint will result in a recommendation that
15 this action be dismissed.

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17 DATED: December 4, 2005.

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20 CRAIG M. KELLISON
21 UNITED STATES MAGISTRATE JUDGE
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